

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

LUIS FERNANDO ZETINA-BOYSO,)
PABLO VELASCO-MARTINEZ, and)
JUAN MANUAL DE LA ROSA,)
)
Plaintiff,) CIVIL ACTION NO. _____
)
v.)
)
RICK WALLACE, individually d/b/a)
LAWNWORKS; RICK WALLACE, INC.)
d/b/a LAWNWORKS; RICK WALLACE,)
LLC d/b/a LAWNWORKS)
)
Defendants.)

COMPLAINT

Come Now Plaintiffs in the above captioned action and hereby allege as follows:

1.

Plaintiffs are residents of Houston County, Georgia.

2.

Defendant Rick Wallace is an individual operating a sole proprietorship doing business as LawnWorks with a principal place of business located at 7454 Cochran Street, Macon, Georgia 31216 and said Defendant is subject to the jurisdiction of this Court. Defendant may be personally served at his home address of 104 Aston Hall, Macon, Bibb, Georgia 31210.

3.

Defendant Rick Wallace, Inc. is a domestic corporation with a principal place of business located at 7454 Cochran Street, Macon, Georgia 31216 and said Defendant is subject to the jurisdiction of this Court. Defendant may be served via its registered agent for service Rick Wallace located at 104 Aston Hall, Macon, Bibb County, Georgia 31210.

4.

Defendant Rick Wallace, LLC is a domestic limited liability company with a principal place of business located at 7454 Cochran Street, Macon, Georgia 31216 and said Defendant is subject to the jurisdiction of this Court. Defendant may be served via its registered agent for service Rick Wallace located 104 Aston Hall, Macon, Bibb County, Georgia 31210.

3.

Venue is proper in this forum as to Defendants.

4.

Defendants were, at all times relevant hereto, an employer as defined in the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201 *et seq.*.

5.

Plaintiffs were, at all times relevant hereto, employees as defined in the FLSA.

6.

During plaintiffs’ employment with defendants, plaintiffs sometimes worked more than 40 hours in a single workweek but was not paid overtime for all hours beyond 40 in a workweek, as required by the FLSA, specifically 29 U.S.C. §207.

7.

During plaintiffs’ employment with defendants, defendants made automatic and unlawful reductions in the record of hours worked by plaintiffs, including deducting for rent/lodging, in violation of the FLSA, specifically 29 U.S.C. §206, 29 C.F.R. §785.19, and 29 C.F.R. Part 516.

CLAIM FOR RELIEF

FIRST CAUSE OF ACTION

10.

Defendants' failure to pay plaintiffs overtime pay as required by the FLSA was in violation of the FLSA, specifically 29 U.S.C. §207.

SECOND CAUSE OF ACTION

11.

Defendants' failure to pay plaintiffs for all hours worked, as a result of unlawfully calculating the "hours worked" through automatic deductions, resulted in a failure to pay for all hours worked, in violation of the FLSA, specifically 29 U.S.C. §206.

DAMAGES AND RELIEF

12.

Plaintiffs are entitled to recover their unpaid wages, unpaid overtime, attorney fees, liquidated damages, and costs incurred in bringing this action, pursuant to 29 U.S.C. §216(b).

PRAYER FOR RELIEF

13.

Having fully set forth their claims, plaintiffs respectfully request:

- (2) That the court enter judgment that defendants violated the FLSA by failing to pay plaintiffs regular and overtime wages as required by law;
- (3) That the court award plaintiffs their withheld wages, unpaid overtime, and liquidated damages in an amount equal to the wages and overtime awarded in this case, pursuant to 29 U.S.C. §216(b);
- (4) That the court award plaintiffs their costs and a reasonable attorney fee; and
- (5) That the court award such other relief as the court deems appropriate.

(SIGNATURES ON FOLLOWING PAGE)

SUBMITTED this 4th day of October, 2013.

/s/ William Gregory Dobson
WM. GREG DOBSON
State Bar No. 237770
A. Danielle McBride
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